

Notice of Allowability

Application No.

10/669,711

Examiner

David D. Le

Applicant(s)

SHIMADA ET AL.

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 01 September 2006.
2. ☒ The allowed claim(s) is/are 1,3-9,11 and 12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This is the fourth Office action on the merits of Application No. 10/669,711, filed 25 September 2003. Claims 1, 3-9, 11 and 12 are pending.

Documents

2. The following documents have been received and filed as part of the patent application:
 - Information Disclosure Statement, received on 09/25/03
 - Information Disclosure Statement, received on 04/07/05
 - Replacement Drawing, received on 04/07/05
 - Information Disclosure Statement, received on 08/08/05

Allowable Subject Matter

3. Claims 1, 3-9, 11 and 12 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Claim 1:

The prior art of record fails to show or render obvious a control apparatus for an automotive vehicle comprising a continuously variable transmission, a belt slip determining section, and an output section, as recited in the claim; specifically, wherein the belt slip determining section determines, when the vehicle is moving, if a slip of the belt between at least one of the primary and the secondary pulleys and the belt occurs,

and when belt slip occurs, the output section outputs a signal to command an engine control unit to increase an engine idling speed by a predetermined engine speed when the vehicle stops moving.

Claim 5:

The prior art of record fails to show or render obvious a control apparatus for an automotive vehicle comprising a continuously variable transmission, a belt slip determining section, an output section, an engine speed determining section, a secondary pulley cylinder hydraulic determining section, a setting value setting section, a first secondary pulley hydraulic determining section, a second secondary pulley hydraulic determining section, and a pulley ratio determining section, as recited in the claim; specifically, wherein the belt slip determining section determines that the belt slip occurs when the ratio of the revolution speed is larger than the predetermined gear ratio.

Claim 11:

The prior art of record fails to show or render obvious a control method for an automotive vehicle comprising a continuously variable transmission, an engine, a primary pulley, a secondary pulley, and a belt, as recited in the claim; specifically, wherein the method includes the steps of:

Ascertaining whether the vehicle is moving; and

If the vehicle is moving:

Determining if a belt slip between at least one of the primary and the secondary pulley and the belt occurs; and

If belt slip occurs, outputting a signal to command an engine control unit to increase an engine idling speed by a predetermined engine speed when the vehicle stops moving.

Claim 12:

The prior art of record fails to show or render obvious a control apparatus for an automotive vehicle comprising an engine control unit, an oil pump, a continuously variable transmission, a primary pulley, a secondary pulley, a belt, a hydraulic supplying section, an original hydraulic detecting section, a hydraulic pressure determining section, and an output section, as recited in the claim; specifically, wherein, when an engine idling is carried out during a vehicular stop, the output section outputs a signal to command the engine control unit to increase the engine idling speed by a predetermined engine speed.

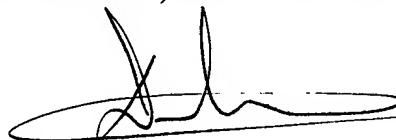
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David D. Le
Examiner
Art Unit 3681
11/22/06

ddl